

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10106JLT

ZHANNA CHIZHIK,
Administratrix of the Estate
of Grigory Chizhik,
Plaintiff

v.

SEA HUNT BOATS, INC.,
TROPICLAND MARINE
AND TACKLE, INC., and
GREGORY ZILBERMAN,
Defendants.

DEFENDANT SEA HUNT BOATS, INC.'S EXPERT WITNESS DISCLOSURE

Now comes Defendant Sea Hunt Boats, Inc., pursuant to Fed.R.Civ.P. 26(a)(2) and this Court's Scheduling Order, and discloses the following as witnesses who may be used at trial as expert witnesses and/or may be used to present evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence:

1. Robert MacNeill
International Marine Consulting Associates
4905 34th Street South, #3500
St. Petersburg, FL 33711

Mr. MacNeill may provide testimony and other evidence with respect to, among other things, his experience, background and qualifications as they relate to his expertise with respect to vessels of the type and sort alleged in the Complaint; the manufacture, features, characteristics, attributes, presentation, promotion, design and use of the vessel allegedly involved in the incident alleged in the Complaint; the manufacture, features, characteristics, attributes, presentation,

promotion, design and use of vessels similar and dissimilar to the vessel allegedly involved in the incident alleged in the Complaint; the characteristics, attributes, behavior and performance of waves and sea conditions as they may have affected the subject vessel or may affect similar vessels; the actions and conduct of the operator and passengers of the subject vessel; the events and occurrences of the date of the Plaintiff's Decedent's incident; available standards and their application or inapplicability to the events and occurrences at issue; and any other topic or subject discussed directly or indirectly in the signed Report of Robert MacNeill, dated June 14, 2005, and attached as Exhibit A.

Mr. MacNeill's Curriculum Vitae, which sets forth his qualifications, including a list of his publications and a list of other cases in which he has testified as an expert at trial or by deposition, is attached as Exhibit B. Mr. MacNeill has agreed to compensation for all of his work, including office work, inspections, travel, deposition and trial testimony at an hourly rate of \$150.00/hour, plus reasonable and necessary expenses at cost.

The Plaintiff attempted to disclose purported expert witnesses without leave of the Court and after the Plaintiff's deadline for expert witness disclosure on June 3, 2005. Sea Hunt Boats, Inc. has objected to the Plaintiff's late disclosure. The Court denied the Plaintiff's motion to extend time for expert witness disclosure. The Plaintiff filed an Emergency Motion For Reconsideration of the Court's denial of her motion to extend time, notwithstanding of the absence of new law or facts in support of that motion. Sea Hunt Boats, Inc. has objected to the Plaintiff's emergency motion.

Sea Hunt Boats, Inc. respectfully reserves the right to supplement Mr. MacNeill's opinions and testimony and/or to disclose additional expert witnesses as may prove necessary to

respond to any late-disclosed expert witness testimony which the Court may permit the Plaintiff to offer at trial including, but not limited to any testimony by Dr. Kenneth Fisher. Sea Hunt Boats, Inc. respectfully reserves the right to seasonably supplement its expert disclosures if necessary prior to trial.

The Defendant,
SEA HUNT BOATS, INC.
By Its attorneys,

/s/ William P. Breen, Jr.
William P. Breen, Jr., Esq. BBO #558768
Rebecca L. Andrews, Esq., BBO #644846
Murphy, Hesse, Toomey & Lehane, LLP
300 Crown Colony Drive, Suite 410
P.O. Box 9126
Quincy, MA 02269-9126
(617) 479-5000

Dated: June 15, 2005